

Appl. No. 09/683,847
Amdt. dated March 16, 2005
Reply to Office action of December 17, 2004

REMARKS

1. The disclosure is objected to because of informalities

5 Applicant has rewritten the title using a proper font and deleted the word "Specification" from the top of the specification above the title as requested by Examiner. Additionally, the title is deleted from above the abstract as requested by Examiner. No new matter is entered by these amendments.

10 2. Claims 1, 2, 4-6 and 9-10 are objected to because of informalities

 Applicant has added blank lines to separate the preambles of the claims from the body of the claims as requested by the Examiner. Additionally, applicant has amended the claims to avoid using the word "comprise" or its different forms twice within a single
15 claim as requested by Examiner. No new matter is entered by these amendments.

3. Claims 1-11 are rejected under 35 U.S.C. 101 because the language of the claim raises a question as to whether the claim is directed merely to an abstract idea

20 Applicant has added language to the claims to indicate the purpose of the encoder as requested by the examiner. Specifically, the encoder is for encoding data received from a computer for storage on an optical disc. Therefore, it is clear that the encoder is performing a useful operation and renders utility. No new matter is entered by this amendment.

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3. Claims 4-11 would be allowable if rewritten to overcome the rejections and objections and to include all of the limitations of the base claim and any intervening claims

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Applicant has amended claim 1 to include all the limitations of the dependent claim 4 and intervening claim 2 as was indicated would be allowable by Examiner. Original claim 4 and claim 2 are cancelled. No new matter is entered by these amendments.

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4. New Claims

New claims 12 to 27 are introduced. Claims 12 and 21 are independent, and claims 13-20, and 22-27 pertain to further embodiments, as shown in Figs.2-6 for example. No
10 new matter is entered.

Concerning the patentability of the newly added independent claim 12 with respect to the prior art of record (Honjo -US 5,379,120; and Oda et al. -US 6,044,199), applicant points out that new claim 12 claims an encoder of an optical storage device being coupled
15 to a buffer and having a host interface for receiving data having a plurality of modes from a computer, and an encoder buffer arbiter for managing data transfer into and out of the buffer. Neither Oda nor Honjo disclose such an encoder having these exact components and operation. Additionally, new claim 12 also includes a trigger register being coupled to the encoder sector processor for generating change mode triggers to indicate that last
20 data stored in the buffer and data following the last data need to be encoded with a next mode. The operation of the trigger register, as it pertains to the data stored in the buffer, is also not taught by Oda or Honjo. Moreover, a combination of the teachings of Oda and Honjo does not result in the present invention because neither Oda nor Honjo suggest a device having a similar structure.

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As Oda et al. and Honjo do not teach the exact structure or operation of new claim 12, nor suggest such a structure and operation, applicant asserts newly added independent claim 12 should be allowable over Oda et al. and Honjo. The dependent claims should be

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allowable for at least the same reasons. Consideration of new claims 12-20 is respectfully requested.

Concerning the patentability of the newly added claims 21-27, applicant points out
5 that claims 21-27 are method claims based on the method limitations present in claims
1-11 respectively, which were found allowable by Examiner. The difference between
claims 21-27 and claims 1-11 is that the apparatus descriptions from the preambles of
claims 1-11 have been removed in claims 21-27, and the steps have been reworded to
10 emphasize the action being performed rather than using a particular device component to
perform the action. Because the material written in the preamble of the claims is not
normally given patentable weight, applicant asserts that like claims 1-11, claims 21-27
should also be found allowable. Consideration of new claims 21-27 is respectfully
requested.

15 Sincerely yours,



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Note: Please leave a message in my voice mail if you need to talk to me. The time in D.C.
25 is 13 hours behind the Taiwan time, i.e. 9 AM in D.C. = 10 PM in Taiwan).